

1870-007 Chancery Causes: James A. Harris vs. William Yearcy
Lee Co.

CA-Debt

To the Worshipful County Court of Lee County in
Chancery Sitting

Your Orator James A Harris humbly
complaining Sheweth unto your Honships - That
he heretofore obtained a Judgment in the County-
Court of this County against one William Gray
for the Sum of \$200.00 with interest from the 1st
day of January 1860 till paid and \$6.89 the Court
sitting at a credit of \$100 paid 11th February 1859 and \$25.00 paid 14th January 1859
a transcript of which Judgment will be filed
with this bill marked A. Your Orator
states That the Amount of said Judgment is still
due and owing him and he is unable to collect
the same or any part thereof out of the personal
effects of the Judgment debtor. But Your
Orator states That he the said William is
owner of a tract of land lying on bare creek
in said County wherein he resides which was
sold to him by your Orator, and the said
Judgment is part of the purchase money due
from the said Gray to your Orator. He
has therefore a lien on said land by virtue
of said Judgment as well as the vendors lien
and the object of this bill is to enforce
the same for the payment of said Judgment.

His prayer therefore is, That the said William
Gray be made a defendant to this bill
and answer its statements on oath, and
on a hearing a decree be rendered directing that
the said land or so much thereof be sold as may
be necessary to satisfy said Judgment. - The said
tract of land contains by estimation acres, and
bounded as described in exhibit B. Your Orator
states That the rents and profits thereof would
not satisfy said Judgment within five years, but

He is advised that this is immaterial inasmuch
as he has retained his lien he has the right
to have the land sold for the unpaid purchase
money. He asks for further and general
advice - may summons issue &c.

H. H. & P. H. H.

The title to said tract of land is given from deed
having been made by him to said party but he is willing
and ready to make a deed with general warranty so soon as the
purchase money is paid or make it to whom this court
may direct.

Also see in other suit and at law in same case of \$7.50 Dec. 20
of H. Morgan Feb 28/70. P. Morgan
by A. L. Proctor

(N.P.)
Jas A Harris
v. { Bill of
William Geary

1869. Decr. Bill Filed for Exd.
Decr. Nisi & Continued
1870. Jan - Decr. Nisi Confirmed
& amended for hearing by the
Plffs attorney.
Jan. Sum Decree for Sale.

63.21
a 5.00
5- 50

James A Hanis
against
William Geary

Plff
Def

} In ch

On motion of the plaintiff this cause is ordered to be placed on the issue docket. And thereupon the cause came on this day to be heard on the bill of the plaintiff exhibit filed and was argued by counsel.

And it appearing to the Court that process has been regularly executed on the defendant who has failed to appear wherefore the bill is taken for contempt.

On consideration it is adjudged ordered and decreed that the plaintiff recover against the defendant the sum of \$206.89 with interest on \$200- part thereof from the 1st day of January 1860 till paid Subject to a credit of \$100- paid 11th January 18 and ~~\$75- or \$125-~~ and \$25 paid as at the 1st of Jan 1860 - And it appearing that this sum

is a judgment recovered by the plaintiff against the defendant for the balance of the purchase of the land in the bill mentioned - it is further ordered and decreed that unless the defendant shall pay to the plaintiff within 30 days from this date the amount of this decree with the costs of this suit then Auburn L Pridemore is hereby appointed a Commissioner whose duty is made to go ~~sell~~ the land in the bill mentioned or so much thereof as may be necessary to pay the plaintiff's debt expense of sale and costs of this suit. The Commissioner is directed to sell the land on a credit of 9 months except that the purchaser shall pay at the time of sale a sum sufficient to pay the costs of suit - the sale is directed to be made at the front door of the Court house of this County on some Court day and for the unpaid purchase money the purchaser shall give bond with good security bearing interest from the day of sale.

But before the Commissioner tells said land he is directed to advertise the time, place and terms of sale on the front door of said Court house and in the neighborhood where the land lies at least 30 days previous to sale. The Commissioner will report his action to this Court and the cause is continued,

James A Harris.

vs. } Deane

Wm Gray

v. 13. 594.

75-
125-1146

75-
1121

684 copy of writ
of law

1121-1146

Virginia.

At a County Court court'd & held for Lee County Jan'y 18th 1870.

James A. Harris

Plff

vs.

William Yeary

Defd

In Chancery.

On the motion of the Plaintiff, this cause is ordered to be placed on the Issue Docket, and thereupon the cause came on this day to be heard on the Bill of the Plaintiff, Exhibit filed, and was argued by Counsel. And it appearing to the Court that process has been regularly executed on the defendant who has failed to appear, wherefore the Bill is taken for confessed. On consideration it is adjudged, ordered, and decreed that the Plaintiff recover against the defendant the sum of \$206.89, with interest on \$200.⁰⁰ part thereof, from the 1st day of January 1860 till paid. subject to a credit of \$125.⁰⁰ paid as of the 1st day of January 1860. And it appearing that this sum is a judgment recovered by the Plaintiff against the defendant for the balance of the purchase of the land in the Bill mentioned, it is further ordered and decreed that unless the defendant shall pay to the Plaintiff within 30 days from this date the amount of this decree, with the Costs of this suit, then Auburn L. Pridemore is hereby appointed a Commissioner, whose duty it is made to sell the land in the Bill mentioned or so much thereof as may be necessary to pay the Plaintiff's Debt, expense of sale, and the costs of this suit. The Commissioner is directed to sell the land on a credit of 9 months, except that the purchaser shall pay, at the time of sale, a sum sufficient to pay the Costs of this suit. The sale is directed to be made at the front door of the Court House of this County on some Court-day, and for the unpaid purchase money the purchaser shall give bond, with good security, bearing interest from the day of sale. But before the Commissioner sell said land he is directed to advertise the time, place, and terms of sale on the front door of said Court House and in the neighborhood where the land lies, at least 30 days previous to sale.

The Commissioner will report his action to this Court, and the Cause
is continued.

A copy -

Teste - John B. West, D.C.

James A. Harris

vs. Copy of Decree of Court.

William Geary.

not paid to me
I therefore return
the same to the Com-
missioner to execute
the same March the
8. 1870

William M. Hagler

Rec^d February 22nd 1870 of William Gray
One hundred and

Dollars. Amount in full. including all costs
both at law and chancery of a certain
Judgment obtained in the County Court
of Lee County in favor of James A Harris
against Wm Gray. Said Judgment was for
\$200. with int from 1st January 1860 Subject
to a credit of \$100. also \$25.

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *William Yeary*

to appear before the Justices of our County Court for Lee county, at the Court House, in the Clerk's Office, at Rules to be holden for the said court, on the *first* Monday in ~~August~~ *December* next, to answer a bill in chancery, exhibited in our said court, against *him* by *James S. Harris*

And have then there this writ. Witness, JOHN B. WEST, Deputy for SYLVESTER E. THOMPSON, Clerk of our said Court, at the Court House, this, *23^d* day of *October* 186 *9*, in the *94* year of the Commonwealth.

John B. West D. Clerk

$$\begin{array}{r} 75 \\ 4 \\ \hline 450 \end{array}$$

$$\begin{array}{r} 75 \\ 45 \\ \hline 120 \end{array}$$
 6.89

James S. Harris

vs. { def in chy.

William Yeary.

DeceMBER Rules 1869.

Executed by me
 Jonathan Dalton
 94

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